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Security Council Committee established pursuant to resolutions 1540 (2004)

Note verbale dated 17 December 2004 from the Permanent Mission of Moldova to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's note verbale dated 21 June 2004, has the honour to submit herewith the report of the Government of the Republic of Moldova on the implementation of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 17 December 2004 from the Permanent Mission of Moldova to the United Nations addressed to the Chairman of the Committee*

National report of the Republic of Moldova on the implementation of Security Council resolution 1540 (2004)

Introduction

The Republic of Moldova does not produce, possess or develop weapons of mass destruction (WMD). The Moldovan authorities are strongly committed to contribute to the efforts undertaken by the international community in terms of non-proliferation of these types of weapons, through the consolidation of the legal framework and the enhancement of the control measures orientated to prevent the phenomenon of the proliferation.

During the elaboration of the Report, all national authorities involved in this process had an additional opportunity to assess the situation in their field of competence and to formulate new proposals aimed at improving it. The most considerable contributions have been brought by the Department of Standards and Metrology, the Department of Trade, the Department of Exceptional Situations, the Customs Department and the Department of Border Guards, which are responsible at the national level for the implementation of different aspects of the international conventions on WMD. This activity was coordinated by the Ministry of Foreign Affairs and included the examination of the fulfillment of country's commitments within the UN, IAEA, and OPCW, and pursuant to the Treaty on Non-proliferation of Nuclear Weapons, the Chemical Weapons Convention and other international arrangements to which the Republic of Moldova is a party.

This exercise proved to be useful and allowed to highlight reserves for a better implementation of the international and the national legal frameworks. It also constituted a good opportunity to consider the feasibility of accession to new relevant international arrangements and of adoption and/or amendment of the national laws and regulations. The inter-ministerial group in charge of the preparation of this Report made a series of proposals aimed to increase responsibility and efficiency in this field.

I. Legal framework for the implementation of UNSC Resolution 1540 (2004)

a) *international instruments*

The Republic of Moldova has adhered to a range of international treaties and conventions concerning non-proliferation of WMD, including those within the AIEA (*Annex 1*).

* Additional documentation is referred to in the communication on file with the Secretariat and is available for consultation.

Furthermore, during the period of elaboration of this Report, on November 5th, 2004, the Parliament of the Republic of Moldova ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

In order to fulfill the provisions of these important legal instruments, the Government of the Republic of Moldova has divided the responsibilities in this regard among the ministries and departments.

The adherence to the actual international legal framework is to be completed in the near future with ratification of the Comprehensive Test Ban Treaty (CTBT), signed by the Republic of Moldova on September 24th, 1997.

Although the Republic of Moldova is not part to the CTBT and until recently was not part to the BTWC, the existent national legislation and institutional framework allow the Moldovan authorities to ensure the necessary control of the circulation and use of nuclear/radioactive, chemical and biological materials.

b) national legislation and regulations

The main legislative and regulatory documents adopted by the Republic of Moldova are indicated in the attached list *(Annex 2)*, some of them being mentioned in the following compartments.

II. Actions undertaken in the field of non-proliferation of WMD

According to the *Law on radioprotection and nuclear security* as well as the *Decision of the Government on the activities of the public institutions with responsibility of regulation in field of radioprotection and nuclear security*, the Department of Standards and Metrology is the main public body responsible for the regulation in the field of radioprotection and radiological security (nuclear).

The Department implemented a project for the consolidation of the sources of strong radiations from the vulnerable radiological objects (special objectives no. 5101 and 5102) with the assistance granted by the USA and the IAEA. The main purpose of the project was to equip a ground depot with modern systems of physical protection of the radioactive materials, where the radioactive wastes are to be stocked. Also, within this project the systems for physical protection used by the institutions that operate in their activity with radioactive sources were consolidated.

In accordance with the regulations of the IAEA (IAEA-TS-R-1) the Department of Standards and Metrology has elaborated and submitted to the relevant national institutions for approval the draft of the technical regulation "*basic norms for a safe transportation of the radioactive materials and for international shipment of the radioactive materials through the Republic of Moldova*".

In order to adjust the legislation in the field of radiological security (nuclear) according to the international standards, the draft of the Law concerning safe performing of the radiological (nuclear) activity has been elaborated, coordinated with relevant ministries and departments and sent for expertise to the IAEA.

Starting from the need of an efficient national control system of circulation of strategic materials, that gives an equal treatment to all economic agents in obtaining authorizations for export, re-export, import and transit operations, the creation of such a system was launched in 1999 with the US expert support. This process included:

- Elaboration and adoption of a legal framework (Annex 2);
- Establishment of a national body responsible for the co-ordination of control activities;
- Creation of a mechanism of co-operation among the institutions involved in the control process;
- Establishment of an efficient mechanism of the border control in order to counteract illicit transactions with strategic materials.

The permanent governmental body, which supervises the control activity, is the Interdepartmental Commission for the control of export, re-export, import and transit of strategic materials. The Commission, chaired by the Director of the Trade Department, includes high level officials (deputy ministers and deputy directors of department) from the Ministry of Economy, the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of Industry, the Information and Security Service and from the Customs Department. Depending on agenda, representatives from other governmental institutions are invited to the Commission's meetings.

The Trade Department is the National authority responsible for the enforcement of the state policy in the field of control of export, re-export, import and transit of strategic materials. The main functions and tasks of the Trade Department in this field are: regulation, authorization, control, representation, consultation and information. The Department is also responsible for the application and the implementation of the Convention on Prohibition of Chemical Weapons.

According to the data provided by the Interdepartmental Commission for control of export, re-export, import and transit of strategic materials and by the other governmental institutions involved in the control process, there have been identified no cases of illicit use, theft, loss or unauthorized transportation over the state border of materials which could be used for manufacturing of chemical, biological or nuclear weapons. The Customs Department, the Ministry of Interior and other legal bodies have never investigated and never discovered cases of import, export, re-export or unauthorized transit of such materials.

In the year 2000 the *Law on the control on export, re-export, import, ant transit of strategic materials* was adopted. It defines basic notions, fields of application, and principles of the control of export, re-export, import and transit of strategic materials. The Law also establishes the competences of the state institutions regarding the control as well as the categories of the strategic materials under the control.

With the adoption of the legislative framework necessary for the creation of the national control system of circulation of strategic materials, following new tasks and goals were set for the national competent authorities:

- *Launching a Program of cooperation among ministries and departments involved in this process* (aimed at familiarizing the employees from these public institutions with the national control system of circulation of strategic materials, the modalities to identify the products subject to control listed in the National Register, etc.);
- *Elaboration and implementation of a Program for co-operation with economic agents;*
- *Setting up an informational network* (an automated system of authorizations, a web site of the national control system, implementation of the Tracker System with the U.S. assistance)

In order to tackle the environment problems the National Network of Laboratory Observation and Control of contamination of the environment with radioactive and highly poisonous substances and microbial means (NNLOC) has been created, which includes 121 institutions (centers of preventive medicine, veterinary and agrochemical laboratories, meteorological services, and local ecological laboratories). The NNLOC activity is supervised and monitored by the Department of Exceptional Situations that also carries out the control of execution of the actions for radiological protection.

III. Conclusions and obstacles to the full implementation

The Republic of Moldova undertakes, both on national and international levels, measures aimed at consolidating the legal basis and improving its institutional framework for the non-proliferation of WMD.

In order to contribute to the international community's efforts on WMD, the Republic of Moldova enhances the cooperation not only in the frameworks of the United Nations, IAEA and OPCW, but also on the regional level, in the frameworks of the Stability Pact for South-Eastern Europe, SECI, GUUAM and other regional structures. In March 2003 the Moldovan Parliament ratified the Agreement among the Governments of the Republic of Moldova, Russian Federation, Bulgaria, and Ukraine on cooperation in transporting the nuclear materials from the Russian Federation to the Republic of Bulgaria through the territories of the Republic of Moldova and Ukraine.

Throughout the years 2002-2004 the integration into the European structures, including the European Union, became an absolute political priority for the Republic of Moldova. The Moldova-EU Action Plan elaborated in 2004 includes a separate chapter dealing with the cooperation in fight against terrorism, proliferation of WMD and illicit exports. In the process of European integration the Republic of Moldova is committed to implement gradually the EU standards in this field.

At the same time, the Republic of Moldova faces serious challenges in full implementation of the provisions of the Resolution 1540, particularly of its first and second paragraphs, which refer to the inadmissibility of cooperation with non-state subjects willing to elaborate, purchase, manufacture, posses, transport, transmit and to use nuclear, chemical or biological weapons and means for their transportation.

Since the independence of the Republic of Moldova (1991) till present, all measures undertaken by the Moldovan authorities and supported by the international community in order to settle the conflict in the eastern (transdniestrian) part of the country and to achieve the withdrawal of Russian troops from its territory have failed. The country's constitutional authorities do not have any information concerning the weapons possessed by the Russian troops and by the self-proclaimed separatist regime.

Also, the unsettled conflict does not allow the country's constitutional authorities to ensure the border and customs control over the transdniestrian segment of the Moldovan-Ukrainian border. Therefore, the provisions of the international treaties, the national laws and regulations concerning non-proliferation of WMD, as well as the respective control measures cannot be applied on the whole territory of the Republic of Moldova.

In order to identify a sustainable solution for the transdniestrian conflict, the Republic of Moldova requests the support of the international community to ensure the complete and early withdrawal of Russian troops from its territory, the establishment of an international monitoring at the Moldovan-Ukrainian border and the deployment of a stabilization operation which would be in line with the UN and OSCE standards in peacekeeping.